

UNITED STATES DISTRICT COURT

Southern

District of

New York

Linda Marshall, Ben Dampios, Al Spilloway,  
Bernie Apotheker, Harry Esposito and Brent  
Wentz, et al.

V.

Milberg Weiss Bershad & Schulman LLP, Lerach  
Coughlin Stoia Geller Rudman & Robbins LLP,  
Melvyn I. Weiss, David J. Bershad, et al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CV 6950

JUDGE PRESKA

TO: (Name and address of Defendant)

DAVID J. BERSHAD  
2 Stonebridge Rd  
Montclair, NJ 07042

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Beatie and Osborn LLP  
521 Fifth Avenue, Suite 3400  
New York, New York 10175

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

AUG 02 2007

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: **SUMMONS IN A CIVIL CASE, CONSENT, COMPLAINT**  
EFFECTED (1) BY ME: **ALBERTO DOS SANTOS**  
TITLE: **PROCESS SERVER**

DATE: 08/10/2007 07:07PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

DAVID J. BERSHAD

Place where served:

2 STONEBRIDGE RD. MONTCLAIR NJ 07042

☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

SUSAN BERSHAD

Relationship to defendant: WIFE

Description of person accepting service:

SEX: F AGE: 36-50 HEIGHT: 5'4"-5'8" WEIGHT: 131-160 LBS. SKIN: WHITE HAIR: BLONDE OTHER: GLASSES

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_


SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 09 / 20 / 2007

  
\_\_\_\_\_  
SIGNATURE OF ALBERTO DOS SANTOS  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

ATTORNEY: N/A  
PLAINTIFF: LINDA MARSHALL, ET AL  
DEFENDANT: MILBERG, WEISS BERSHAD & SCHULMAN, LLP, ET AL  
VENUE: DISTRICT OF NY  
DOCKET: 07 CV 6950 (PRESKA)

ELISA ORRICO  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Dec. 28, 2011



(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.